

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUANNE S. JORDAN,
Plaintiff,

No. C 05-4939 SI

ORDER RE: DISCOVERY

v.

CAPEL, INCORPORATED,
Defendant.

The parties have filed letter briefs concerning a dispute over interrogatories plaintiff propounded on September 7, 2006, one day before the discovery cut-off in this case.¹ Following this Court's Order re Discovery Disputes, which was dated September 1, 2006 but was not filed and served until September 5, 2006, plaintiff propounded additional interrogatories seeking information about defendant's "hospitality industry" clients. Defendant objects to those interrogatories on the ground that they are untimely.

Although plaintiff's interrogatories are untimely, and plaintiff should have sought a stipulation to extend discovery prior to propounding the interrogatories, the Court will permit the interrogatories because the Court's order was not filed until just prior to the discovery cut-off date. It was the Court's expectation that the parties would cooperate regarding the scheduling of additional discovery contemplated by the September 5, 2006 order, particularly because that order provided that plaintiff need not supplement her responses to certain of defendant's interrogatories until after she received any additional discovery regarding sales to "hospitality industry" clients.

Accordingly, defendant must respond to plaintiff's third set of interrogatories by **November 13,**

¹ The letter briefs are found at Docket Nos. 35-37.

1 **2006**, and plaintiff must respond to defendant's special interrogatories nos. 15, 16 and 25 by **November**
2 **20, 2006**.

3 **IT IS SO ORDERED.**

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5 Dated: October 30, 2006



SUSAN ILLSTON
United States District Judge